



IV.

The matter in dispute exceeds the sum of \$75,000, exclusive of interest and costs, as will more fully appear by the plaintiff's complaint which is attached as Exhibit "A". The plaintiff is seeking an unspecified amount of compensatory and punitive damages. She underwent surgery for her shoulder injury which she claims that she received in this accident. Her last settlement demand was in excess of \$75,000.

V.

The plaintiff, Sonia Hammock, was at the time of the commencement of this action, and now is, a resident citizen of Alabama. She lives in Elmore County, Alabama

VI.

The defendant, Nell E. Lamb ("Lamb"), has now been served with the complaint while visiting her mother in Alabama. However, she was at the time of the commencement of this action, and now is, a resident citizen of the state of Michigan. Lamb will consent to joining in this notice of removal.

The defendant Swing was at the time of the commencement of this action and is now a resident citizen of the state of Michigan.

VII.

The petition is timely filed with this Court pursuant to 28 U.S.C. §1446(b). Swing has agreed that his attorney can file an answer to the complaint and notice of removal without the necessity of formal service of process upon him.

VIII.

A copy of this Notice of Removal will be filed with the clerk of the Circuit Court of Lowndes County, Alabama in accordance with 28 U.S.C. §1446(d).

Swing requests that this Court will take jurisdiction of this case and will issue all necessary orders and process in order to remove the case from the Circuit Court of Lowndes County, Alabama, to the United States District Court for the Northern Division of the Middle District of Alabama.



---

R. Larry Bradford, Attorney for Defendant,  
Todd Swing  
Attorney Bar Code: ASB-8038-F64R

OF COUNSEL:

Bradford & Sears, P.C.  
2020 Canyon Road  
Suite 100  
Birmingham, AL 35216

**CERTIFICATE OF SERVICE**

I hereby certify that I have this the 26 day of September, 2007 served a copy of the foregoing to all attorneys of record by electronically filing and/or placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

Tedford Taylor, Esq.  
Taylor & Taylor  
2130 Highland Avenue  
Birmingham, AL 35205

  
OF COUNSEL

## **EXHIBIT “A”**

IN THE CIRCUIT COURT OF LOWNDES COUNTY, ALABAMA

SONIA R. HAMMOCK,

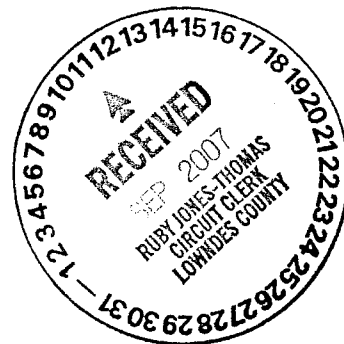
Plaintiff,

vs.

CIVIL ACTION NO:

CV 07-47

NELL E. LAMB, an individual;  
TODD SWING, an individual;  
DEFENDANTS A, B and C,  
whether singular or plural,  
that person, firm or  
corporation owning the vehicle)  
being driven by NELL E. LAMB, )  
on the occasion made the basis)  
of this suit; FICTITIOUS )  
DEFENDANTS D, E and F, whether)  
singular or plural, that )  
person, firm or corporation )  
on whose behalf the vehicle )  
was being driven by NELL E. )  
LAMB on the occasion made )  
the basis of this lawsuit; )  
FICTITIOUS DEFENDANTS G, H )  
and I, whether singular or )  
plural, that person, firm )  
or corporation who or which )  
insured the Plaintiff under )  
a policy of uninsured and/or )  
underinsured motorist coverage)  
on the occasions made the )  
basis of this lawsuit; )  
FICTITIOUS DEFENDANTS J, K )  
and L, whether singular or )  
plural, that person, firm or )  
corporation who or which )  
negligently entrusted the )  
vehicle to NELL E. LAMB on )  
the occasion made the basis )  
of this lawsuit; FICTITIOUS )  
DEFENDANTS M, N and O, )  
whether singular or plural, )  
that person who is the )  
true and correct name of the )  
Defendants known as NELL E. )  
LAMB, TODD SWING and/or )



FICTITIOUS DEFENDANTS P, Q )  
 and R, whether singular or )  
 plural, that person, firm or )  
 corporation who or which sold, )  
 provided, served or otherwise )  
 dispensed alcoholic beverages )  
 to Defendant NELL E. LAMB )  
 prior to the collision made )  
 the basis of this lawsuit; )  
 FICTITIOUS DEFENDANTS S, T )  
 and U, whether singular or )  
 plural, that person, firm or )  
 corporation whose negligence, )  
 wantonness, willfulness and/or )  
 otherwise wrongful conduct )  
 caused the collision made the )  
 basis of this lawsuit, )  
 )  
 Defendants. )



COMPLAINT

1. Plaintiff, SONIA R. HAMMOCK (hereinafter "Plaintiff" or "HAMMOCK"), is an adult resident citizen of Elmore County, Alabama.
2. Defendant NELL E. LAMB (hereinafter "LAMB") is an adult and at all times relevant to the Complaint was a resident of Lowndes County, Alabama.
3. Defendant TODD SWING (hereinafter "SWING") is an adult and at all times relevant to the Complaint was a resident of Lowndes County, Alabama.
4. FICTITIOUS DEFENDANTS A, B, and C, whether singular or plural, is that person, firm or corporation owning the vehicle being driven by NELL E. LAMB on the occasion made the basis of this suit; FICTITIOUS DEFENDANTS D, E and F, whether singular or plural, is that person, firm or corporation on whose behalf the vehicle was

Defendants are not known to Plaintiff at this time, but their true names will be substituted by amendment when ascertained.

**COUNT ONE**

1. On or about November 23, 2005, on U.S. Highway 231, near Tutwiler Prison, on the outskirts of Wetumpka, Elmore County, Alabama, Defendant NELL E. LAMB negligently and/or wantonly caused or allowed the motor vehicle she was operating to collide with the motor vehicle being driven by the Plaintiff.

2. Defendant TODD SWING, and/or FICTITIOUS DEFENDANTS entrusted to Defendant NELL E. LAMB the vehicle being operated by NELL E. LAMB at the time of the collision made the basis of this lawsuit.

3. As a proximate consequence of the negligence and/or wantonness of Defendant(s), Plaintiff was caused to suffer, among other things, the following injuries and damages: she was injured in and about her body, including but not limited to, injury to her shoulder and rotator cuff requiring surgery and painful physical therapy; she incurred medical bills; and, she has suffered physical pain and suffering, mental anguish and emotional distress and other damages, losses and impairments. Some or all of said damages and losses are permanent in nature or are otherwise expected to continue in the future.

WHEREFORE, Plaintiff demands judgment including compensatory and punitive damages against Defendants NELL E. LAMB, TODD SWING



and/or FICTITIOUS DEFENDANTS, in an amount exceeding the jurisdictional minimum of this Court, plus interest and costs.

**COUNT TWO**

1. Plaintiff realleges the allegations contained in each and every Count of this Complaint.

2. Plaintiff claims damages against Defendant SWING and/or FICTITIOUS DEFENDANTS for negligently entrusting the motor vehicle to Defendant NELL E. LAMB, on November 23, 2005, the date of the collision made the basis of this lawsuit.


3. Plaintiff avers that on November 23, 2005, on U.S. Highway 231, near Tutwiler Prison, on the outskirts of Wetumpka, Elmore County, Alabama, as proximate result of the aforementioned negligent entrustment, Defendant LAMB was in possession and control of Defendant SWING'S and/or FICTITIOUS DEFENDANTS' motor vehicle when she pulled out in front of Plaintiff.

4. Plaintiff avers that Defendant LAMB was incompetent and/or reckless in the operation of the motor vehicle; and Defendant LAMB so negligently and/or wantonly operated the negligently entrusted motor vehicle that she caused said vehicle to collide with the motor vehicle being operated by Plaintiff.

5. Defendant SWING knew, or should have known, of Defendant LAMB'S incompetency, inexperience, and/or recklessness, at all times relevant to the underlying circumstances of this lawsuit, which created an appreciable risk of harm.

6. As a proximate cause of the negligence and/or wantonness of Defendant LAMB, combined with the negligent entrustment of the vehicle, Plaintiff was caused to suffer injuries and damages as previously set forth herein.

WHEREFORE, Plaintiff demands judgment against Defendants, including FICTITIOUS DEFENDANTS, in an amount exceeding the jurisdictional minimum of this Court, plus interest and costs.

  
TEDFORD TAYLOR (TAY001)  
Attorney for Plaintiff

OF COUNSEL

TAYLOR & TAYLOR  
2130 Highland Avenue  
Birmingham, AL 35205  
(205) 558-2800 - telephone  
(205) 558-2860 - facsimile

**Plaintiff demands a trial by struck jury.**

  
TEDFORD TAYLOR

DEFENDANTS' ADDRESSES

**NELL E. LAMB**  
Post Office Box 61  
Lowndesboro, Alabama 36752-0061

**TODD SWING**  
Post Office Box 61  
Lowndesboro, Alabama 36752-0061

Court Name: U S DISTRICT COURT - AL/M  
Division: 2  
Receipt Number: 4602000669  
Cashier ID: khaynes  
Transaction Date: 10/05/2007  
Payer Name: BRADFORD AND SEARS PC

---

CIVIL FILING FEE  
For: BRADFORD AND SEARS PC  
Case/Party: D-ALM-2-07-CV-000896-001  
Amount: \$350.00

---

CHECK  
Check/Money Order Num: 5235  
Amt Tendered: \$350.00

---

Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

---

SONIA R. HAMMOCK V. NELL E. LAMB  
ET AL